IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 15656 of 2002

Between:

Ediga Ramanjaneyulu, S/o.Uligappa,

Resising at Elangi Village, Bommanahal Mandal,

Anantapur District.

..... PETITIONER

AND

1. The Commissioner of Appeals, Office of the Chief

Commissioner of Land Administration, Hyderabad.

2. The Joint Collector and Addl. District Magistrate, Anantapur.

3. The Revenue Divisional Officer, Dharmavaram, Anantapur Dist.

4. The Mandal Revenue Officer, Bommanahal Mandal, Anantapur Dist.

5. Sri Siddalingappa, S/o.Nesa Venkatappa, Elangi Village,

Bommanahal Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the order of the 1st respondent passed in CCLS Ref. No.BCW1/327/2002 dated 25-7-2002 in refusing to grant stay pending disposal of the appeal as illegal, arbitrary and consequently stay the order of the 2nd respondent passed in D.Dis.E1/6189/2000 dated 20-5-2002 in confirming the order of the 3rd respondent passed in D.Dis.No. (B)/551/ 2000 dated 22-7-2000 pending disposal of the appeal before the 1st respondent.

Counsel for the Petitioner: MR. O.MANOHAR REDDY

Counsel for Respondents 1 to 4: GOVERNMENT PLEADER FOR ASSIGNMENT

Counsel for Respondent No.5: None appeared

The Court made the following:

ORDER:

An extent of Acs.4.95 in S.No349-1 of Elangi Village of Bommanahall Mandal, Anantapur District was originally assigned to one Sri Nesa Venkatappa, in the year 1969. The Mandal Revenue Officer assigned an extent of Acs.2.50 out of the said survey number to the petitioner as he is allegedly landless poor. On a complaint made by fifth respondent, third respondent herein passed orders setting aside the assignment under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and ordered restoration of the land to the original assignee. The petitioner was not successful before second respondent as well and therefore he preferred appeal before first respondent. He also sought for stay of proceedings and first respondent by proceedings dt.20.5.2002 rejected the application for stay, assailing which present Writ Petition is filed.

In the counter affidavit filed by the Mandal Revenue Officer, Bommanahal Mandal, it is stated that the allegation of the petitioner that he is in possession of the property is not denied. Therefore, by reason of the interim order passed by this Court on 23.8.2002 the petitioner is continuing in possession. If the same position is continued no harm would be caused to fifth respondent or original assignee. Therefore, while directing *status quo* as on today to be maintained, the Writ Petition is disposed of with a direction to first respondent to dispose of the appeal filed by the petitioner against the proceedings of the Joint Collector dt.20.5.2002 within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above directions, is disposed of, without expressing any opinion on the merits of the case. No costs.

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(V.V.S.RAO, J)

8.11.2004

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To

1. The Commissioner of Appeals, Office of the Chief

Commissioner of Land Administration, Hyderabad.

2. The Joint Collector and Addl. District Magistrate, Anantapur.

3. The Revenue Divisional Officer, Dharmavaram, Anantapur Dist.

4. The Mandal Revenue Officer, Bommanahal Mandal, Anantapur Dist.

5. Two CCs to the Government Pleader for Assignment,

High Court Buildings, Hyderabad (O.U.T).

6. Two CD copies.